

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

CRYSTAL D. DeCOTEAU,

Plaintiff,

vs.

MICHAEL O. LEAVITT, DEPT.
OF HEALTH AND HUMAN
SERVICES, and IHS,

Defendants.

CV-08-88-GF-SEH-RKS

**FINDINGS AND
RECOMMENDATIONS
OF MAGISTRATE JUDGE**

Plaintiff, Ms. Crystal DeCoteau, was granted permission to proceed in forma pauperis with this action pursuant to 28 U.S.C. § 1915(a). (C.D. 4.)

The Court has jurisdiction pursuant to 42 U.S.C. §

200e-5(e). The case is referred to the undersigned to issue Findings and Recommendations pursuant to Local Rule 73.

Ms. Decoteau's Complaint was screened pursuant 28 U.S.C. § 1915(e)(2), and she was given notice that her Complaint did not state a claim upon which relief may be granted. (C.D. 4.) Ms. Decoteau was given an opportunity to amend her Complaint. (Id.) Ms. DeCoteau had until February 15, 2009 to file her amended Complaint. (Id.) No amended Complaint has been filed, nor has Ms. DeCoteau filed notice of intent to rely upon her initial Complaint. Because her initial Complaint does not state a claim upon which relief may be granted, it should be dismissed. 28 U.S.C. § 1915(e)(2).

Therefore, **IT IS HEREBY RECOMMENDED** that:

1. Ms. DeCoteau's Complaint(C.D. 2) should be **DISMISSED WITH PREJUDICE.**

**NOTICE OF RIGHT TO OBJECT
AND CONSEQUENCES OF FAILURE TO OBJECT**

Pursuant to 28 U.S.C. § 636(b)(1), Ms. DeCoteau may

serve and file written objections to these Findings and Recommendations within ten (10) business days of the date entered as indicated on the Notice of Electronic Filing. A district judge will make a de novo determination of those portions of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge.

DATED this 25th day of March, 2009.

/s/ Keith Strong

Keith Strong

U.S. Magistrate Judge